

# TRAIN THE NEWSLETTER FOR RECORDS MANAGEMENT

Tennessee ♦ Records ♦ Administration ♦ Information ♦ Newsletter



## e-Discovery New Rules to Live By

On December 1, 2006, new amendments to e-discovery related rules from the Federal Rules of Civil Procedure took effect. If you are a Records or IT Manager or if you work with records at all, these amendments affect you. In a nutshell, Rule 26 relates to the disclosure and discovery of stored information, Rule 34 distinguishes between electronically stored information and “documents” for inspection, and Rule 37 deals with failure to make the necessary disclosures. These rules are rather lengthy. If you prefer to read them in their entirety, go to the following websites:

<http://www.law.cornell.edu/rules/frcp/Rule26.htm>

<http://www.law.cornell.edu/rules/frcp/Rule34.htm>

<http://www.law.cornell.edu/rules/frcp/Rule37.htm>

Why were new rules needed? It is estimated that electronic records account for approximately 90 to 95% of records created, maintained and stored today. The amendments attempt to make guidelines clearer for anyone handling discovery requests from electronic information. By the way, discovery is the process by which both parties in litigation provide supporting evidence in a trial.

### *Other reasons for the rules:*

- It is estimated that the volume of electronic stored information (ESI) is exponentially greater than the volume of stored paper records.
- Electronic information is dynamic, which means that computer systems may automatically create and discard data, often without the direction or knowledge of the operator.
- Unlike paper records, ESI can be difficult to delete. Information thought to be deleted in reality is just transferred from an accessible location to one that is inaccessible.
- ESI may need to be retrieved, restored or translated before it can even be reviewed for relevance or privilege.

The changes to the rules require tracking of employee's email, instant messages and other documents or communications delivered through or stored via the Internet. Potentially any communication device which contains work product is subject to the discovery process. Your Blackberry, your cell phone, your home computer, etc. How to track this information is key and how to properly manage this data will now be required for federal cases and most likely all other cases as well.

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E-Discovery continued...

Organizations used to be more concerned with the storage of information but must turn their focus on how to retrieve it. As Records Management and Information Technology professionals tackle these issues, stay tuned. We'll keep you posted as solutions develop.



## *Publications Expenditures by State Agencies: "It's the Law!"*

Did you know that all publications produced by state agencies (with certain written exemptions in the law) should be authorized by the state Publications Committee?

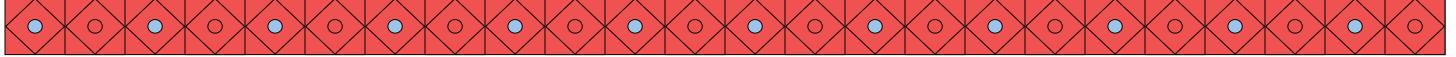
Your Publications Coordinator stands ready to assist you in meeting the twin goals of the Publications Committee, controlling both the cost and proliferation of publications by state agencies. Some agencies are only mandated to inform the public, while others present state services, or encourage the use of those services and products.

In concert with your consultant at DGS Central Printing Division, your Publications Coordinator can guide you to sound and cost effective choices. The Records Management Division (RMD) has developed an online Request for Publication Authorization (*GS-0539*) form, available to Publications Liaisons. Currently, the form can be completed online, printed, and signatures obtained, then forwarded to RMD for review and authorization.

Our long term goal is to implement a means of "digital signatures", after which we can truly go "paperless". Several agencies are currently testing/using this online feature and initial feedback is that it is speedier, completely accurate and far less time consuming.

**All look forward to the day of achieving digital signatures.**





## Honorable Mention



A key member of the RMD team, John Stanley (Micrographics), was recently awarded a "Golden Cue".

This high level award is earned by billiard players who, during sanctioned league play, attain the remarkable milestone of four consecutive perfect scores of 50. Congratulations to John for this accomplishment. Now we have two sources of pride in John. The work he does in Micrographics, and his skill at billiards!



## Hooray for Hollywood! RMD's Micrographics Converter Is Here!

RMD is pleased to announce that we recently received a much sought after piece of equipment, a *Wicks and Wilson* microfilm scanner. The RMD Micrographics staff is currently undergoing training from the vendor's Systems Engineer.

When fully functional, RMD will be able to "convert" your archived microfilm to an electronic (digital) format. The digital format produced in the conversion will be less labor intensive for our user agencies *saving time, office space and money*.

## Well Done!

Remarkable! Over the past several years, the generosity and volunteerism of state employees has been gratifying. During the 2005 Tennessee Employees Charitable Campaign (TECC), 7,482 state employees pledged \$548,132 in contributions to charitable organizations, resulting in an increase of 3.5 percent from the 2004 campaign. During the 2006 TECC, 8,699 state employees pledged \$710,346.89 in contributions to charitable organizations, resulting in an increase of 28 percent from the 2005 campaign.

Even more impressive is the generosity of spirit from within the Department of General Services. In 2005, contributions from DGS totaled \$3,722. One year later, in 2006 contributions rose to \$8,547. That is a 129% increase, more than *doubling* our previous year's contributions.

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*Well Done! Continued...*

At the beginning of this year's TECC campaign, General Services announced two new initiatives towards increasing awareness and encouraging a generosity of spirit toward the important work of helping fellow Tennesseans. The first initiative was a Charity Campaign Fair where representatives from the various charities attended and provided information on their organization and the benefit it served to specific communities, or to the state of Tennessee as a whole. The second was the development of awards or recognition for highest campaign contribution.

The divisional winner was awarded based on highest participation of total salary given (calculated as total dollars donated by division divided by total salary of employees that contributed). This calculation insured that larger divisions weren't rewarded for having more employees who could contribute, and it insured that divisions weren't rewarded for having higher grade classifications who may have the opportunity to contribute more income.

The winner for the 2006 Campaign Year was the Records Management Division (RMD). Employees choosing to participate contributed .31% of their income. Amazing!!

RMD was recently honored by a visit from Commissioner Davis and Assistant Commissioner Richmond for the presentation of a plaque commemorating our "...outstanding contribution to the Tennessee Employees Charitable Campaign".

The TECC supports charitable organizations that provide services in the state of Tennessee. The commemorative plaque rests in a place of honor at RMD with our name inscribed, where we hope it will remain for many years. The TECC awards this plaque each year competitively. Commissioner Davis expressed her pride in our division's accomplishment, and her hope that our effort will continue in the future.



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